

Application Serial No. 10/544,287
Dkt. No. Z/C-3
Response to Office Action of October 9, 2007

STATUS OF CLAIMS

Claims 35-47 (renumbered 35-48) are pending.

Claim 41 stands rejected.

Claims 35-40 and 45-47 (renumbered 46-48) stand allowed.

Claims 41-48 have been amended without prejudice herein.

REMARKS

Claim Objections

Claims 45-47 have been objected to on the grounds that the claims should be renumbered as 46-48, because the claims are numbered with claim 45 repeated. The claims have been renumbered.

35 U.S.C. 102(b) Rejection

Claim 1 stands rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,646,613 (Cho). Applicant respectfully traverses this rejection in view of the amendment to claim 1.

35 U.S.C. 102(b) recites:

A person shall be entitled to a patent unless - (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States

Consistently, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art

Application Serial No. 10/544,287
Dkt. No. Z/C-3
Response to Office Action of October 9, 2007

reference." See, M.P.E.P. §2131 citing Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

As amended, claim 41 recites a "plurality of inflatable members mounted on the vehicle and collectively positioned in a passenger compartment" and the steps of: "selectively inflating a first of the inflatable members within the passenger compartment;" and the subsequent step of: "selectively inflating a second of the inflatable members within the passenger compartment." Disclosure support for the amendment is found, by way of non-limiting example, at Figs. 24 and 26 and Paragraphs [0140] to [0144]. By contrast, Cho provides for "externally deployed air bags for aiding in damage reduction of automobile collisions." (Abstract). Accordingly, for at least this reason, the rejection under Section 102(b) has been overcome.

Moreover, Cho fails to disclose the limitations:

"in response to the detecting of the location of the impact on the motor vehicle, selectively inflating a first of the inflatable members within the passenger compartment; and

c) subsequent to said step b), selectively inflating a second of the inflatable members"

In Cho, in response to a control signal, prior to a collision, at a time when the collision is imminent, unavoidable and inescapable, air bags 14 are inflated (col. 5, lines 4-14). There is no disclosure of selective inflation of a first of the inflatable members followed

Application Serial No. 10/544,287
Dkt. No. Z/C-3
Response to Office Action of October 9, 2007

by selective inflation of a second of the inflatable members in response to detecting a location of the impact.

For at least these further reasons, the rejection under Section 102(b) over Cho should be withdrawn.

Furthermore, the invention as recited in claim 41 would not have been obvious to one of ordinary skill in the art at the time the invention was made. The main purpose of Cho is to reduce damage of the vehicle, while reducing injury to occupants is merely a secondary benefit (see col. 7, lines 11-17). The purpose of the method of claim 41 is to reduce injuries to occupants by reducing the force of impact between the occupant and the interior of the vehicle, and to anticipate biomechanical movements of the spine to prevent impacts at angles that represent a greater risk of injury. In view of the entirely different purposes of Cho and of the method of amended claim 41, it is clear that claim 41 would not have been obvious over Cho to one of ordinary skill in the art at the time the invention was made.

Reconsideration and removal of the rejection of claim 1 is respectfully requested for at least the reasons set forth above.

Allowable Subject Matter

Allowance of claims 35-40 and 46-48 (as renumbered) is gratefully acknowledged.

Claims 42-45 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 42-45 have been rewritten as

Application Serial No. 10/544,287
Dkt. No. Z/C-3
Response to Office Action of October 9, 2007

independent claims incorporating the limitations of claim 41 prior to amendment.

Accordingly, claims 42-45 are in condition for allowance.

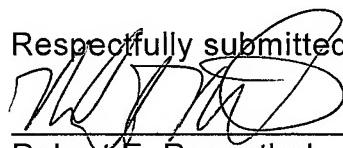
Application Serial No. 10/544,287
Dkt. No. Z/C-3
Response to Office Action of October 9, 2007

CONCLUSION

Wherefore, Applicant believes he has addressed all outstanding grounds raised by the Examiner and respectfully submits the present case is in condition for allowance, early notification of which is earnestly solicited.

Should there be any questions or outstanding matters, the Examiner is cordially invited and requested to contact Applicant's undersigned attorney at his number listed below.

Respectfully submitted,



Robert E. Rosenthal
Reg. No. 33,450
HOWARD IP LAW GROUP, PC
P.O. Box 226
Fort Washington, PA 19034
(215) 542-5824 (Phone)
(215) 542-5825 (Fax)
Attorneys for Applicant

Dated: February 11, 2008